



ILLINOIS COMMERCE COMMISSION

March 8, 2006

City of Chicago,
Petitioner,

Vs.

Canadian National Railroad,
Respondent.

T06-0012

Petition for authorization to reconstruct the 31st Street Bridge over Metra Electric and Canadian National Railroad (formerly Illinois Central Railroad) from Lake Park Avenue to Moe Drive, an elevated viaduct and roadway located over the tracks of the Metra Electric and Canadian National Railroad in the City of Chicago, County of Cook and the State of Illinois, and for a waiver of the clearance requirements of 92 Ill. Admin. Code, Section 1500.

Mr. Jack Pace
Assistant Corporation Counsel
City of Chicago
30 North LaSalle Street, Suite 900
Chicago, IL 60602-2580

Dear Mr. Pace:

Receipt is acknowledged of the original and three (3) copies of the Petition filed March 8, 2006 in the above matter.

All future correspondence/pleadings should be filed with an original and two (2) copies and addressed to: Mr. Dave Lazarides, Acting Director of Processing, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, IL 62701 or you may file the original electronically through E-docket if you have an account. To apply for an account, please log on to www.icc.state.il.us and apply for an E-docket account.

Processing and Information Section

KI

Cc: Mr. Michael J. Barron, Jr., IC
Mr. James M. Kvedaras, IC
Ms. Alaina Bridges, City of Chicago, DOT

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ORIGINAL

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MAR 08 2006

Illinois Commerce Commission
RAIL SAFETY SECTION

Petition for authorization to reconstruct)
the 31st Street Bridge over Metra Electric and)
Canadian National Railroad (Formerly Illinois)
Central Railroad) from Lake Park Avenue to)
Moe Drive, an elevated viaduct and roadway)
located over the tracks of the Metra Electric)
and Canadian National Rail Road in the City)
of Chicago, County of Cook and State of)
Illinois, and for a waiver of the clearance)
requirements of 92 Ill. Admin.Code,)
Section 1500.)

No. T06-0012

PETITION

The City of Chicago ("City), by its attorney Mara S. Georges, Corporation Counsel, hereby petitions the Illinois Commerce Commission ("Commission") for authority to reconstruct 31st Street Bridge from Lake Park Avenue to Moe Drive, an elevated viaduct and roadway thereto, which is located over tracks of the Metra Electric and Canadian National Railroad (formerly the Illinois Central Railroad) in Chicago, Illinois, and for a waiver of the Commission's clearance requirements set forth in 92 Ill. Adm. Code, Section 1500. In support of the petition, the City states as follows:

1. The Commission has jurisdiction of the subject matter of this petition and of the petitioner pursuant to Chapter 18 of the Illinois Commercial Transportation Law. 625 ILCS 5/18c-7401.
2. 31st Street is a minor arterial in the City of Chicago which runs in an east-west direction and, at this location, is a primary mover of vehicular and pedestrian traffic to and from Lake Shore Drive and the Lake Front.
3. The 31st Viaduct is an overhead structure spanning numerous railroad tracks of

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MAR 8 2006

Metra and Canadian National.

4. The City desires to reconstruct the 31st Street Viaduct and hereby seeks authorization from the Commission for this reconstruction project. A drawing of the proposed reconstruction plan has been prepared by CTE Engineers, Inc., consulting engineers, and is attached as Group Exhibit A.
5. The City plans to secure funds for this project (Federal Highway Administration) pursuant to the Federal Intermodal Surface Transportation Efficiency Act of 1991 which provides for 80% Federal and 20% State monies.
6. The City does not seek at this time any contribution of funds for this reconstruction project from the Metra, Canadian National or from the Grade Crossing Protection Fund.
7. The existing 31st Street Viaduct from bottom of I-Beam to top of rail has a vertical clearance of the following:

Track 1: 18'-11"

Track 2: 18'-5"

Track 3: 18'-9"

Track 4: 19'-0"

Track 5: 19'-11"

Track 6: 19'-9"

The Tracks are numbered from west to east.
8. The proposed vertical clearance of the reconstructed 31st Street Viaduct from bottom of I-Beam to top of rail will have a vertical clearance of the following :

Track 1: 19'-1"

Track 2: 18'-5"

Track 3: 18'-11"

Track 4: 19'-2"

Track 5: 20'-2"

Track 6: 20'-1"

The Tracks are numbered from west to east.

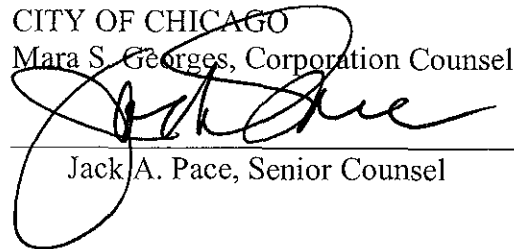
9. The City hereby requests that the Commission waive its clearance requirements of 92 Ill. Adm. Code Section 1500 (formerly General Order 22).
10. The reason that compliance with 92 Ill. Adm. Code Section 1500 cannot be met and a waiver is requested by the City is as follows:

With respect to vertical clearances, the reconstructed 31st Street Viaduct must maintain a profile similar to the existing one in order to meet existing grade at Lake Park Avenue and Moe Drive.
11. Metra Electric and Canadian National Rail Road have no objection to this reconstruction plan. The City will be obligated to maintain the new structure.
12. The City expects to complete the reconstruction of the 31st Street Viaduct by spring of 2007.

WHEREFORE, the City of Chicago prays that the Illinois Commerce Commission enter an Order, without hearings, in which it authorizes the reconstruction of the 31st Street Viaduct and waives the clearance requirements of 92 Ill. Adm. Code Section 1500.

Respectfully submitted,

CITY OF CHICAGO
Mara S. Georges, Corporation Counsel

A handwritten signature in black ink, appearing to read "Jack A. Pace", is written over a horizontal line.

Jack A. Pace, Senior Counsel

Diane Pezanoski
Deputy Corporation Counsel
Jack A. Pace
Senior Counsel
City of Chicago Law Department
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Chicago, Illinois 60602
312-744-6997

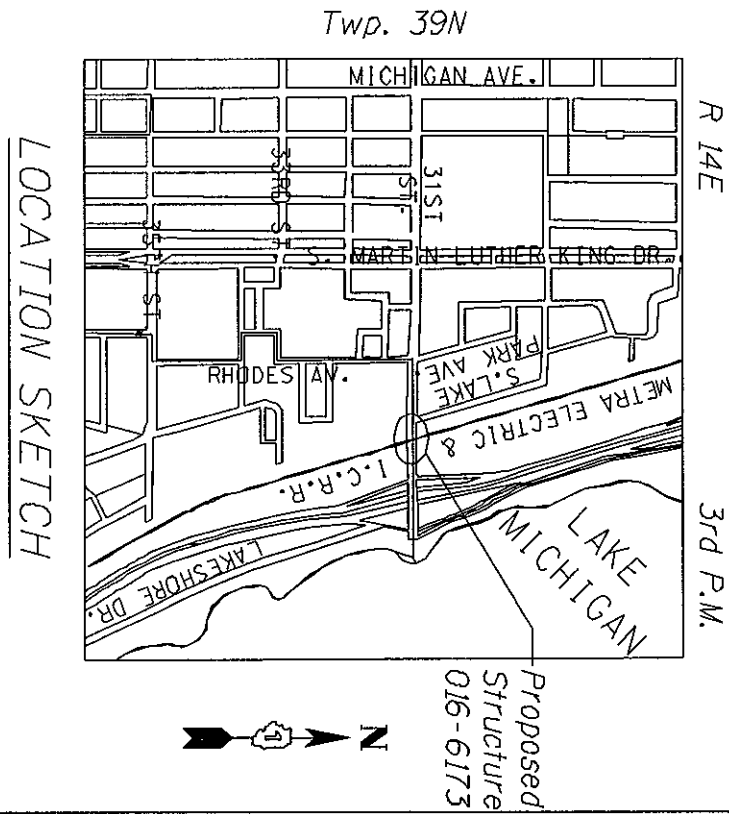
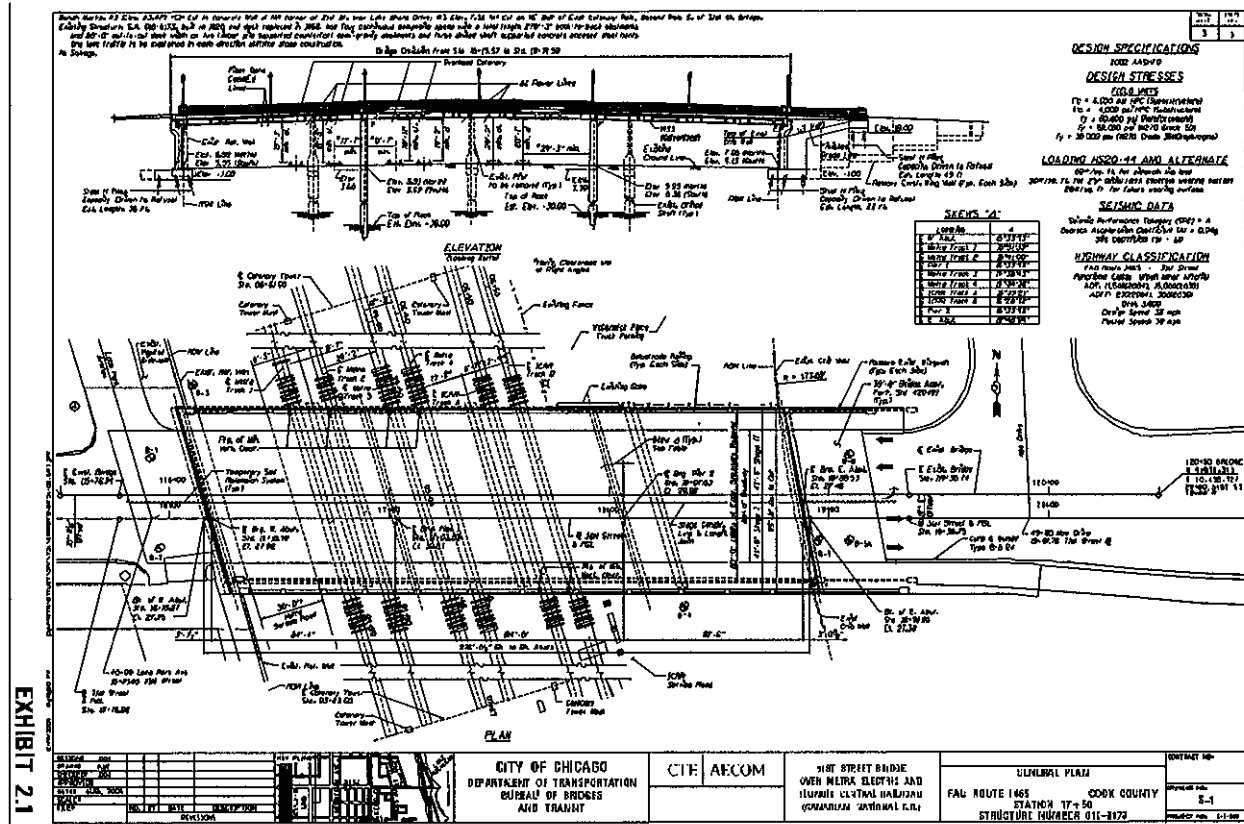


EXHIBIT 1.0

Group Exhibit A







**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

City of Chicago

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Central Railroad) from Lake Park Avenue to)
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NOTICE OF FILING

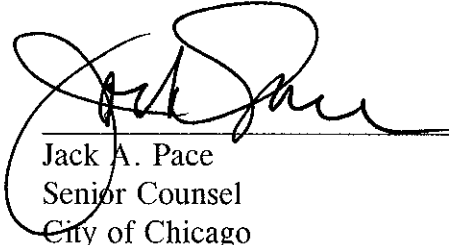
TO: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE THAT ON THIS DATE I caused to be mailed to the Illinois Commerce Commission, 527 East Capitol Avenue, P.O. Box 19280, Springfield, Illinois 62794-9280, by Federal Express, the original and three (3) copies of the above captioned City of Chicago Petition.

Dated: March 3, 2006

CERTIFICATE OF SERVICE

I, Jack A. Pace, an attorney, hereby certify that a copy of the foregoing City of Chicago Petition was served upon the party or parties listed on the attached service list, by hand delivery, facsimile or by first class mail, postage prepaid, from Suite 900, 30 North La Salle Street, Chicago, Illinois 60602, in accordance with the Rules of Practice of the Illinois Commerce Commission.



Jack A. Pace
Senior Counsel
City of Chicago
30 North La Salle Street, Suite 900
Chicago, IL 60602 (312) 744-6997

Service List

Mr. Mike Stead
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Springfield, Illinois 62794

Bob Loomis
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Chicago, Illinois 60602

Mr. Anthony Ognibene
Right of Way Administrator
Law Department
Metra
547 West Jackson Boulevard
Chicago, Illinois 60661

Mr. Tom Zeinz, Manager Public Works
Canadian National/ Illinois Central Railroad
17641 South Ashland Avenue
Homewood, Illinois 60430-1345